

2007 No. 605

ROAD TRAFFIC

**The Vehicle Drivers (Certificates of Professional Competence)
Regulations 2007**

Made - - - - - *28th February 2007*

Laid before Parliament *2nd March 2007*

Coming into force in accordance with regulation 1(2)

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), section 101(2) and (3) of the Road Traffic Act 1988(b) and, with the consent of the Treasury, section 56(1) and (2) of the Finance Act 1973(c).

The Secretary of State for Transport is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation and supervision of the qualifications and working conditions of persons engaged in road transport(d).

He has consulted with such representative organisations as he thinks fit in accordance with section 195(2) of the Road Traffic Act 1988.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007.

(2) These Regulations shall come into force as follows —

- (a) all regulations other than regulation 15 shall come into force on 27th March 2007;
- (b) in regulation 15 —
 - (i) paragraph (4), and paragraphs (1) and (5) so far as they relate to that paragraph, shall come into force on 10th September 2008;
 - (ii) paragraphs (2) and (3), and paragraphs (1) and (5) so far as they are not already in force, shall come into force on 10th September 2009.

(3) These Regulations extend to Northern Ireland except regulation 15.

Interpretation

2.—(1) In these Regulations —

(a) 1972 c.68.
(b) 1988 c.52; section 101 was amended by S.I. 1996/1974.
(c) 1973 c.51.
(d) S.I. 1975/1707.

“the Directive” means Directive 2003/59/EC of the European Parliament and of the Council of 15th July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC(a);

“the Driving Licences Directive” means Council Directive 91/439/EEC of 29th July 1991 on driving licences(b);

“the 1988 Act” means the Road Traffic Act 1988;

“the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981(c);

“the Driving Licences Regulations” means the Motor Vehicles (Driving Licences) Regulations 1999(d);

“armed forces” means the naval, military or air forces of the Crown and includes the reserve forces;

“Community code” has the meaning given by Article 10(2) of the Directive;

“Community licence”—

(a) in relation to Great Britain, has the same meaning as in section 108(1) of the 1988 Act(e), and

(b) in relation to Northern Ireland, has the same meaning as in Article 2(2) of the 1981 Order;

“competent authority” means—

(a) in relation to Great Britain, the Secretary of State, and

(b) in relation to Northern Ireland, the Department of the Environment;

“CPC” has the meaning given by the seventh recital to the Directive;

“driving licence” means, except in regulation 4(8)(b) and (c)—

(a) in relation to Great Britain, a full licence within the meaning of section 108(1) of the 1988 Act(f), and

(b) in relation to Northern Ireland, a full licence within the meaning of Article 2(2) of the 1981 Order;

“driver qualification card” has the meaning given by Article 10(1) of the Directive;

“driving test” means—

(a) in relation to Great Britain, a test of competence prescribed under section 89(3) of the 1988 Act, and

(b) in relation to Northern Ireland, a test of competence prescribed under Article 5(3) of the 1981 Order;

“fire and rescue authority”—

(a) in relation to Great Britain, has the same meaning as in section 1 of the Fire and Rescue Services Act 2004(g), and

(b) in relation to Northern Ireland, has the same meaning as “fire authority” in Article 3 of the Fire Services (Northern Ireland) Order 1984(h);

“initial CPC” means a CPC within the meaning of Article 6 of the Directive (CPC certifying the initial qualification);

(a) O.J.L 226, 10.9.2003, p.4.

(b) O J. No L 237, 24.8.1991, p 1, to which there are amendments not relevant to these Regulations.

(c) S.I. 1981 No. 154 (N.I.1).

(d) S.I. 1999/2864.

(e) In section 108, the definition of “Community licence” was amended by S.I. 1996/1974.

(f) In section 108, the definition of “full licence” was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), section 7 and Schedule 13, paragraph 15(c).

(g) 2004 c.21; section 1 was amended by the Civil Contingencies Act 2004(c.36), section 7 and Schedule 2, Part 1, paragraph 10(1) and (2).

(h) S.I. 1984 No 1921 (N.I. 11).

“initial CPC test” means the tests for initial qualification referred to in Article 3(1)(a)(ii) of the Directive;

“periodic CPC” means a CPC within the meaning of Article 8 of the Directive (CPC certifying periodic training);

“periodic training” means the training referred to in Article 3(1)(b) of the Directive;

“periodic training course” means a course of at least seven hours of periodic training within the meaning of Section 4 of Annex I to the Directive;

“relevant vehicle” means a vehicle for which is required a driving licence of category C, C+E, D or D+E as defined in Article 3(1) of the Driving Licences Directive, or a driving licence recognised as equivalent;

“reserve forces” has the same meaning as in section 1 of the Reserve Forces Act 1996(a);

“road” means any road open to the public;

“test pass certificate” in relation to Great Britain, has the same meaning as in regulation 3(1) of the Driving Licences Regulations;

“third country” means a country which is not a member State;

“vehicle examiner” means an examiner appointed under section 66A of the 1988 Act(b) or under Article 74 of the Road Traffic (Northern Ireland) Order 1995(c);

“work permit” has the same meaning as in section 33 of the Immigration Act 1971(d).

(2) In these Regulations—

- (a) a reference to a member State includes a reference to an EEA State;
- (b) a reference to a category of relevant vehicle includes references to its sub-categories as defined in Article 3(2) of the Driving Licences Directive.

Persons to whom these Regulations apply

3.—(1) These Regulations apply to any person who drives a relevant vehicle, other than a vehicle to which paragraph (2) applies, on a road and is —

- (a) a national of a member State; or
- (b) a national of a third country employed or used by an undertaking established in a member State.

(2) This paragraph applies to a vehicle—

- (a) which it is an offence for that person to drive on any road at a speed greater than 45 kilometres per hour in Great Britain under section 89 of the Road Traffic Regulation Act 1984(e) or in Northern Ireland under the Motor Vehicles (Speed Limits) Regulations (Northern Ireland) 1989(f);
- (b) which is being used by, or is under the control of any of the following —
 - (i) the armed forces;
 - (ii) a police force;
 - (iii) a local authority in the discharge of any function conferred on or exercisable by that authority under an order made under section 5 of the Civil Contingencies Act 2004(g) or regulations made under section 20 of that Act, or

(a) 1996 c.14.

(b) Section 66A was inserted by the Road Traffic Act 1991 (c. 40), section 9(1) and amended by the Goods Vehicles (Licensing of Operators) Act 1995 (c.23), section 60(1) and Schedule 7, paragraph 11.

(c) S.I. 1995/2994 (N.I. 18).

(d) 1971 c.77; the definition of “work permit” was amended by the British Nationality Act 1981 (c. 6), Schedule 4, paragraph 7. There are other amendments to section 33 which are not relevant to these Regulations.

(e) 1984 c.27.

(f) S.R. 1989 No. 203.

(g) 2004 c.36.

- (iv) a fire and rescue authority;
- (c) which is undergoing road tests for technical development, repair or maintenance purposes, or that is a new or rebuilt vehicle which has not yet been put into service;
- (d) which is being used in a state of emergency or is assigned to a rescue mission;
- (e) which is being used in the course of a driving lesson or driving test for the purpose of enabling that person to obtain a driving licence or a CPC;
- (f) which is being used for the non-commercial carriage of passengers or goods for personal use;
- (g) which is carrying material or equipment to be used by that person in the course of his work, provided that driving that vehicle is not his principal activity.

Persons who must take initial CPC test

4.—(1) Except where paragraph (5) or (9) applies and subject to paragraph (7), a person to whom these Regulations apply is not permitted to drive a relevant vehicle on a road on or after the date specified in paragraph (3) unless he has successfully completed the appropriate initial CPC test.

(2) For the purposes of this regulation—

- (a) the appropriate initial CPC test is the test relating to vehicles of the category into which that particular relevant vehicle falls;
- (b) where Article 5(5) of the Directive applies, the appropriate initial CPC test must comply with the last paragraph of Section 2.2 of Annex I to the Directive.

(3) The specified date is 10th September 2008 in respect of vehicles in licence category D or D+E and 10th September 2009 in respect of vehicles in licence category C or C+E.

(4) A person may take the initial CPC test whether or not he has been granted a driving licence for a relevant vehicle.

(5) This paragraph applies where—

- (a) a person is undergoing a vocational training course leading to a professional qualification relevant to the carriage by road of passengers or goods (or both) and which is approved by the competent authority as a course to which this paragraph applies;
- (b) that course lasts at least six months;
- (c) that person has produced to the competent authority's satisfaction such evidence as that authority may reasonably require that he is undergoing such a course;
- (d) the competent authority has issued that person with a document authorising him to drive that relevant vehicle for a specified period of up to 12 months while undertaking such a course; and
- (e) that person is driving within the United Kingdom.

(6) The competent authority may authorise a person under paragraph (5)(d) in respect of only one specified period.

(7) A person is not required to take an initial CPC test relating to vehicles of the category into which that particular relevant vehicle falls if he holds a document described in paragraph (8) —

- (a) on 10th September 2008, if that vehicle falls into category D or D+E;
- (b) on 10th September 2009, if that vehicle falls into category C or C+E.

(8) That document may be —

- (a) a current driving licence;
- (b) a current driving licence issued by a member State other than the United Kingdom;
- (c) a current driving licence recognised as equivalent to a document described in subparagraph (a) or (b); or

(d) a current test pass certificate entitling its holder to a driving licence authorising the driving of any relevant vehicle.

(9) This paragraph applies where a person holds a CPC certifying an initial qualification within the meaning of Article 6(1)(a) of the Directive (CPC awarded on the basis of course attendance and a test).

(10) A person who has passed the initial CPC test in respect of a vehicle which falls within—

- (a) category C or C+E, or
- (b) category D or D+E,

need not take another initial CPC test to drive any relevant vehicle that falls within the other category referred to in the same sub-paragraph.

Initial CPC test

5.—(1) The initial CPC test may be organised by the competent authority or by a person approved by it.

(2) The competent authority may grant approval under paragraph (1) subject to such conditions as it thinks fit and provided it is satisfied that the person will —

- (a) make proper arrangements for the conduct of tests,
- (b) keep proper records of such tests and their results, and
- (c) notify the competent authority of those results as required by that authority.

(3) The competent authority may withdraw approval given by it under paragraph (1) by notice in writing to that person from a date specified in the notice.

(4) A person to whom these Regulations apply may take the initial CPC test under this regulation if that person —

- (a) is a national of a member State and normally resident in the United Kingdom, or
- (b) is a national of a third country, and —
 - (i) employed or used by an undertaking established in the United Kingdom, or
 - (ii) has been issued with a work permit in the United Kingdom.

(5) The competent authority or person who organises the initial CPC test may make arrangements that all or part of that test is taken at the same time as all or part of a driving test.

(6) An applicant for the initial CPC test shall pay to the competent authority the fee specified in the table at the end of this regulation for each part of the test which he takes.

(7) That sum shall be payable in addition to any fee that is payable in respect of a driving test all or part of which is taken at the same time as the initial CPC test.

Table

<i>Part of initial CPC test taken by applicant</i>	<i>Fee</i>
Theoretical test	£30
Practical test	£41

Persons providing periodic training courses

6.—(1) A person who wishes to provide periodic training courses must make a written application to the competent authority and shall pay to it a fee of—

- (a) £1,500, and
- (b) £250 for each proposed course.

(2) Such application must be accompanied by the documents specified in Section 5.1 of Annex I to the Directive and such other documents as the competent authority may reasonably require.

(3) The competent authority may approve in writing —

- (a) that person to provide periodic training courses subject to the conditions specified in Section 5.2 of Annex I to the Directive, including the last two paragraphs of that Section; and
 - (b) each periodic training course which that person wishes to provide.
- (4) The competent authority's approval shall be valid for —
- (a) five years under paragraph (3)(a), and
 - (b) one year under paragraph (3)(b).
- (5) If it appears to the competent authority that any of the conditions of the approval of a person are not being complied with, the competent authority may send notice to that person that it is minded to withdraw or suspend its approval under paragraph (3)(a).
- (6) Upon receiving a notice under paragraph (5), that person may make representations to the competent authority within 28 days.
- (7) The competent authority shall take those representations into account and send notice to the person informing him whether or not its approval is withdrawn or suspended.
- (8) A person approved under paragraph (3)(a) who wishes to provide a training course which has not been approved by the competent authority may at any time request that authority's approval for that course and shall pay to that authority a fee of £250.
- (9) If the competent authority gives approval in response to a request under paragraph (8), that approval shall be valid for one year.
- (10) A person to whom these Regulations apply may take a periodic training course approved under this regulation if that person is—
- (a) a national of a member State and normally resident in the United Kingdom, or
 - (b) a national of a third country and authorised to work in the United Kingdom.

Record of periodic training by competent authority

- 7.—(1) A person approved by the competent authority under regulation 6(3)(a) shall —
- (a) notify that authority each time a person to whom he has provided training has completed a periodic training course; and
 - (b) pay to the authority a fee of £5 upon each notification.
- (2) The competent authority may waive in whole or in part the fee payable under paragraph (1).
- (3) The competent authority shall maintain a record of the periodic training notified to it under paragraph (1).

Driver Qualification Card

- 8.—(1) Where a person has passed the initial CPC test organised under regulation 5(1), or has completed 35 hours of periodic training entitling him to a periodic CPC and provided by a person approved under regulation 6(3)(a), he shall apply to the competent authority for a driver qualification card.
- (2) That person shall send to the competent authority —
- (a) the fee specified in paragraph (5), and
 - (b) if the competent authority so requests, a photograph of that person in such form as it may require.
- (3) Upon receipt of the items specified in paragraph (2), the competent authority shall issue that person with a driver qualification card if it is satisfied that the person has passed the initial CPC test or completed the periodic training entitling him to a periodic CPC, as the case may be.
- (4) In respect of persons who make an application under this regulation, the driver qualification card issued under paragraph (3) shall be the CPC for the purposes of Article 6(1)(b) (CPC

awarded on the basis of tests) or Article 8(1) (CPC certifying periodic training) of the Directive, as the case may be.

(5) The fee shall be £25.

(6) If a driver qualification card has been damaged, lost or stolen, the competent authority must send that person a replacement card upon payment to it of the fee specified in paragraph (5).

(7) The competent authority may waive the fee in paragraph (5) in whole or in part if it thinks fit.

Time limits for obtaining a CPC

9.—(1) Subject to paragraphs (2), (3), (4) and (5) of this regulation, a person to whom these Regulations apply is not permitted to drive a relevant vehicle on a road unless no more than five years have elapsed since he obtained a CPC relating to motor vehicles of the category into which that particular relevant vehicle falls.

(2) A person to whom regulation 4(7) applies is not required to hold an initial CPC relating to motor vehicles of the category into which that particular relevant vehicle falls, or

(a) a periodic CPC before 10th September 2013 where that regulation applies to him by virtue of sub-paragraph (a);

(b) a periodic CPC before 10th September 2014 where that regulation applies to him by virtue of sub-paragraph (b).

(3) A person is not required to hold a CPC where regulation 4(5) applies to him.

(4) Paragraph (1) does not apply to a person who holds an initial CPC granted to him by a member State other than the United Kingdom in accordance with the last paragraph of Article 8(2) of the Directive and the validity of that CPC has not expired.

(5) A person who holds a periodic CPC as described in paragraph (1) is not required to complete any further periodic training before the expiry of that CPC in respect of any category of relevant vehicle to which that CPC does not relate.

(6) In paragraph (5), “expiry date” means the date five years after a person obtains a periodic CPC.

Offence of driving without a CPC

10.—(1) A person who does not comply with regulation 4(1) or 9(1) is guilty of an offence.

(2) A person who causes or permits another person to drive a relevant vehicle on a road in breach of regulation 4(1) or 9(1) is guilty of an offence.

(3) A person guilty of an offence under this regulation shall be liable upon summary conviction to a fine not exceeding level 3 on the standard scale.

Requirement to carry and produce evidence of CPC or of training exemption in vehicle

11.—(1) Subject to paragraph (4), a person who is required to hold a CPC by virtue of regulation 9(1) and who does not carry with him in the vehicle which he is driving evidence of that CPC as specified in paragraph (2) is guilty of an offence.

(2) That evidence may be any of the following documents—

(a) a driver qualification card;

(b) a Community licence with the Community code;

(c) a driver’s certificate granted to him by a member State other than the United Kingdom as referred to in Article 10(3)(a) of the Directive; or

(d) any other document issued to the driver by a member State other than the United Kingdom certifying an initial CPC or a periodic CPC.

(3) A person to whom regulation 4(9) or 9(4) applies who does not carry with him in the vehicle he is driving evidence as specified in paragraph (2) of the initial CPC he holds is guilty of an offence.

(4) Paragraph (1) does not apply to a person who has made an application to the competent authority for a driver qualification card under regulation 8(1) and not yet received that card.

(5) A person to whom regulation 4(5) applies who does not carry with him in the vehicle he is driving a document as described in sub-paragraph (d) of that regulation is guilty of an offence.

(6) A police constable or vehicle examiner may at any time require a person to whom paragraph (1), (3) or (5) applies to produce to him the evidence or document, as the case may be, referred to in that paragraph.

(7) If a person fails to produce that evidence or document, as the case may be, when required to do so under paragraph (6) he shall be guilty of an offence.

(8) A person guilty of an offence under this regulation shall be liable upon summary conviction to a fine not exceeding level 3 on the standard scale.

Document errors

12.—(1) Where it appears to the competent authority that —

- (a) the authorisation document issued by it under regulation 4(5)(d), or
- (b) the driver qualification card issued by it under regulation 8(3),

was granted in error, or with an error or omission in the particulars specified in that card or document, it may serve notice in writing on that person revoking that card or document, as the case may be, and requiring him to surrender it forthwith to that authority.

(2) It shall be the duty of that person to comply with that requirement.

(3) Where the name of the holder of the driver qualification card as specified on that card ceases to be correct, its holder must as soon as reasonably practicable surrender the driver qualification card to the competent authority.

(4) On surrender of a driver qualification card under paragraph (2), the competent authority may issue a new driver qualification card to that person free of charge subject to paragraph (6).

(5) On surrender of a driver qualification card under paragraph (3) and payment to it of a fee of £25, the competent authority shall issue a new driver qualification card to that person.

(6) Where it appears to the competent authority that the driver qualification card surrendered to it under paragraph (2) was granted in consequence of an error, omission or other act attributable to the fault of the holder of that card, it may issue a new card upon payment of a fee of £25.

(7) The competent authority may require a person to provide evidence of his name, sex and place and date of birth before issuing him with a new driver qualification card under paragraph (4), (5) or (6).

(8) A person who fails to comply with the duty in paragraph (2) or (3) without reasonable excuse is guilty of an offence.

(9) A person guilty of an offence under this regulation shall be liable upon summary conviction to a fine not exceeding level 3 on the standard scale.

Forgery and false statements

13.—(1) A person is guilty of an offence if, with intent to deceive he—

- (a) forges, alters or uses any document referred to in regulation 4(5)(d) or 11(2);
- (b) lends to, or allows to be used by, any other person such a document; or
- (c) makes or has in his possession any document so closely resembling such a document as to be calculated to deceive.

(2) In the application of paragraph (1) to England and Wales and Northern Ireland, “forges” means makes a false document in order that it may be used as genuine.

(3) A person who knowingly makes a false statement for the purpose of obtaining the issue of a driver qualification card under regulation 8(3) is guilty of an offence.

(4) A person guilty of an offence under paragraph (1) or (3) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(5) Subject to paragraph (6), summary proceedings for an offence to which this regulation relates may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(6) No such proceedings shall be brought by virtue of this regulation more than three years after the commission of the offence.

(7) For the purposes of this regulation, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(8) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(9) In relation to proceedings in Scotland, section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.

Power to seize document in respect of which offences may have been committed

14.—(1) If a constable or a vehicle examiner has reasonable cause to believe that a document carried in a motor vehicle or by the driver of the vehicle is a document in relation to which an offence has been committed under regulation 13, he may seize it.

(2) When a document is seized under paragraph (1) and paragraph (3) applies, either the driver or owner of the vehicle shall be summoned before a magistrates’ court or, in Scotland, the sheriff to account for his possession of the document.

(3) This paragraph applies where the document is detained and neither the driver nor owner of the vehicle has previously been charged with an offence in relation to the document under regulation 13.

(4) The court or sheriff must make such order respecting the disposal of the document and award such costs as the justice of the case may require.

(5) For the purposes of paragraphs (2) and (3), “owner”, in relation to a vehicle which is the subject of a hiring or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

Amendment of the Driving Licences Regulations

15.—(1) Regulation 9 of the Driving Licences Regulations (minimum ages for holding or obtaining licences) is amended as follows.

(2) Omit paragraph (5).

(3) For paragraphs (7) and (8) substitute—

“(7) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in category C or C+E where the person driving the vehicle —

- (a) has an initial qualification authorising him to drive motor vehicles of that class,
- (b) is using the vehicle as described in regulation 3(2)(e) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007,

- (c) is authorised by such document as is referred to in regulation 4(5)(d) of those Regulations to drive motor vehicles of that class,
- (d) by reason of being a person in relation to whom regulation 4(7) of those Regulations applies, is not required to have an initial qualification as described in paragraph (a).”

(4) For paragraph (9) substitute—

“(9) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in category D or D+E, other than sub-category D1 or D1+E, where the person driving the vehicle —

- (a) has an initial qualification authorising him to drive motor vehicles of that class and is either —
 - (i) engaged in the carriage of passengers on a regular service over a route which does not exceed 50 kilometres,
 - (ii) not engaged in the carriage of passengers,
- (b) is using the vehicle as described in regulation 3(2)(e) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007,
- (c) is authorised by such document as is referred to in regulation 4(5)(d) of those Regulations to drive motor vehicles of that class, or
- (d) by reason of being a person in relation to whom regulation 4(7) of those Regulations applies, is not required to have an initial qualification relating to motor vehicles of that class.

(9A) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in sub-category D1 or D1+E where the person driving the vehicle —

- (a) has an initial qualification authorising him to drive motor vehicles of that class,
- (b) is using the vehicle as described in regulation 3(2)(e) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007,
- (c) is authorised by such document as is referred to in regulation 4(5)(d) of those Regulations to drive motor vehicles of that class, or
- (d) by reason of being a person to whom regulation 4(7) of those Regulations applies, is not required to have an initial qualification relating to motor vehicles of that class.

(9B) In item 7, the age of 20 is substituted for the age of 21 in relation to a motor vehicle of a class include in category D or D+E, other than sub-category D1 or D1+E, where the person driving the vehicle —

- (a) has an initial qualification authorising him to drive motor vehicles of that class, and
- (b) is engaged in the carriage of passengers otherwise than on such a service as is described in paragraph (9)(a)(i).”

(5) Omit paragraph 13(b) and (c) and insert—

- “(d) in paragraphs (7), (9), (9A) and (9B), “initial qualification” means such initial qualification as is provided for in Article 3(1)(a) of Council Directive 2003/59/EC of the European Parliament and of the Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers;
- (b) in paragraphs (9) and (9B), expressions which are also used in that Directive have the same meanings as in that Directive.”

26th February 2007

S.J. Ladymson
Minister of State
Department for Transport

We consent to the making of these Regulations

*Frank Roy
Claire Ward*

28th February 2007

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers. In brief, the Directive requires such drivers to take an initial practical and theoretical driving test, valid for five years and 35 hours of periodic training every five years.

These Regulations extend to the United Kingdom, except regulation 15 which extends to Great Britain only.

Regulation 2 provides that in respect of Great Britain the competent authority is the Secretary of State and in respect of Northern Ireland it is the Department of the Environment.

Regulation 3 describes the categories of driver in respect of which the Regulations apply. Broadly, these are professional bus and lorry drivers. The main exceptions are those driving emergency vehicles, vehicles used by the police or armed forces, and vehicles used for training or testing purposes.

Regulation 4 prohibits any new driver from driving a bus on or after 10th September 2008 or a lorry on or after 10th September 2009 ("the relevant implementation date") on a public road unless that driver has passed a theory and practical driving test, referred to as an "initial CPC" test. That test is more extensive than the current driving test and may be taken at the same time as that driving test. Drivers undergoing a vocational training course may be exempted up to 12 months from taking that test by the competent authority. Drivers who hold a bus or lorry driving licence before the relevant implementation date ("drivers with acquired rights") are also exempt from taking the initial CPC test.

Regulation 5 allows the competent authority or a person approved by it to organise provision of initial CPC tests. Any person who takes the initial CPC test must pay £30 for the theory part of the test and £41 for the practical part of the test. This is additional to any fee that the applicant must pay for a driving test which he takes for a driving licence.

Regulation 6 allows the competent authority to approve persons to provide periodic training courses. Such a person must pay a fee of £1,500 for such approval which is valid for five years. In addition he must pay to the competent authority £250 for approval for each course which he proposes to provide. Such approval is valid for one year. Each course must last at least seven hours.

Regulation 7 requires each person who provides periodic training to notify the competent authority each time a course of periodic training has been completed. The competent authority must keep a record of such courses which have been completed.

Regulation 8 provides for a person who has passed the initial CPC test or completed 35 hours of periodic training to apply to the competent authority for a driver qualification card. The competent authority must issue such person with a driver qualification card upon payment of a fee of £25.

Regulation 9 prohibits anyone from driving a bus or lorry unless that person has passed the initial CPC test within the previous 5 years or has completed 35 hours of periodic training within the previous 5 years. Drivers with acquired rights who do not need to take the initial CPC test must complete 35 hours periodic training by 10th September 2013 in respect of bus drivers and by 10th September 2014 in respect of lorry drivers.

Regulation 10 makes it an offence for a person to drive without a CPC as required by the regulations. This is punishable with a fine up to level 3 on the standard scale.

Regulation 11 requires a driver who is required to have a CPC or who is exempt because he is undergoing an approved national vocational training course to carry evidence of that entitlement while driving and to produce it on demand by a police constable or vehicle examiner. Failure to do so is an offence punishable with a fine up to level 3 on the standard scale.

Regulation 12 enables the competent authority to issue a new driver qualification card or a document authorising driving whilst undergoing an approved national vocational training course if that card or document contains any errors, including if the name ceases to be correct. A fee of £25 is payable if the name ceases to be correct or if the error was the card holder's fault. Otherwise issue of a new card is free of charge. Failure to surrender a card or document with errors is an offence punishable with a fine up to level 3 on the standard scale.

Regulation 13 makes it an offence for a person to forge or make false statements with respect to any document which evidences CPC entitlement or a training exemption. Such an offence is punishable on summary conviction with a fine up to the statutory maximum or on indictment to up to two years imprisonment or a fine or both.

Regulation 14 allows constables and examiners to seize any documents in respect of which an offence concerning evidence of CPC entitlement or a training exemption may have been committed under the regulations.

Regulation 15 amends the Motor Vehicles (Driving Licences) Regulations so that the new minimum age requirements in the Directive apply to bus and lorry drivers who have passed the initial CPC test. Broadly, 18 is substituted for the age of 21 in respect of bus drivers and lorry drivers provided that, in the case of the former, the driver is carrying passengers on a route which does not exceed 50 kilometres or does not carry passengers at all. For other bus drivers, age 20 is substituted for 21.

A copy of the regulatory impact assessment prepared in respect of these Regulations is available from the Driving Standards Agency, Policy Branch, Stanley House, 56 Talbot Street, Nottingham, NG1 5EJ or at www.dsa.gov.uk. It can also be accessed on the Office of Public Information website at www.opsi.gov.uk. A copy of the transposition note is also available from the Driving Standards Agency at the same address or at www.dsa.gov.uk.

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